

Senate Study Bill 3015

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to income withholding under the child support
2 recovery program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5357DP 81
5 pf/je/5

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1 1 Section 1. NEW SECTION. 252D.16A INCOME WITHHOLDING
1 2 ORDER == CHILD SUPPORT RECOVERY UNIT.
1 3 If support payments are ordered under this chapter, chapter
1 4 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any
1 5 other applicable chapter, or under a comparable statute of a
1 6 foreign jurisdiction, and if income withholding relative to
1 7 such support payments is allowed under this chapter, the child
1 8 support recovery unit may enter an ex parte order notifying
1 9 the person whose income is to be withheld of the procedure to
1 10 file a motion to quash the order for income withholding, and
1 11 ordering the withholding of sums to be deducted from the
1 12 delinquent person's income as defined in section 252D.16
1 13 sufficient to pay the support obligation and requiring the
1 14 payment of such sums to the collection services center. The
1 15 child support recovery unit shall include the amount of any
1 16 delinquency and the amount to be withheld in the notice
1 17 provided to the obligor pursuant to section 252D.17A. Notice
1 18 of income withholding shall be provided to the obligor and to
1 19 the payor of income pursuant to sections 252D.17 and 252D.17A.
1 20 Sec. 2. Section 252D.18, Code 2005, is amended by adding
1 21 the following new subsection:
1 22 NEW SUBSECTION. 1A. The child support recovery unit may
1 23 modify an amount specified in an income withholding order or
1 24 notice of income withholding by providing notice to the payor
1 25 of income and the obligor pursuant to sections 252D.17 and
1 26 252D.17A.
1 27 Sec. 3. RETROACTIVE APPLICABILITY == AMENDING RULES. This
1 28 Act is retroactively applicable to support orders and income
1 29 withholding orders entered or pending before July 1, 2006.
1 30 Until the department of human services amends rules pursuant
1 31 to chapter 17A to conform to this Act, any existing rule
1 32 regarding an amount to be withheld or an amount of a
1 33 delinquency in an income withholding order shall be
1 34 interpreted to also mean that the unit may specify such an
1 35 amount in a notice of income withholding in lieu of an income
2 1 withholding order. Any existing rule providing a right to
2 2 contest a new or modified income withholding order through the
2 3 unit shall be interpreted to also mean a right to contest each
2 4 notice of income withholding which specifies a new or modified
2 5 total amount to withhold.

EXPLANATION

2 7 This bill relates to income withholding of support
2 8 payments.
2 9 The bill provides that the child support recovery unit,
2 10 when issuing an ex parte income withholding order, include the
2 11 amount of any delinquency and the amount to be withheld in the
2 12 notice provided to the obligor under the existing Code section
2 13 relating to provision of notice. The bill also provides that
2 14 notice of income withholding is to be provided to the obligor
2 15 and to the payor of income pursuant to existing Code
2 16 provisions relating to that notice.
2 17 The bill also authorizes the child support recovery unit to

2 18 modify the amount specified in an income withholding order or
2 19 notice of income withholding by providing notice to the
2 20 obligor and the payor of income.
2 21 The provisions of the bill are retroactively applicable to
2 22 support orders and income withholding orders entered or
2 23 pending prior to July 1, 2006. Until such time as the
2 24 department of human services amends rules to reflect the
2 25 changes in the bill, existing rules regarding an amount to be
2 26 withheld or an amount of a delinquency in an income
2 27 withholding order are to be interpreted to also mean that the
2 28 unit may specify such an amount in a notice of income
2 29 withholding in lieu of an income withholding order, and any
2 30 existing rule providing a right to contest each new or
2 31 modified income withholding order through the unit is to be
2 32 interpreted to also mean a right to contest each notice of
2 33 income withholding which specifies a new or modified total
2 34 amount to withhold.
2 35 LSB 5357DP 81
3 1 pf:nh/je/5.1